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THE MERIT SYSTEM

IN

MARYLAND

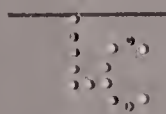
With a Brief History of the Merit System Movement
in the Federal Government—and an

APPENDIX

Containing the United States and Maryland
Statutes Relating to the Merit System

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CIVIL SERVICE REFORM IN MARYLAND

By WALTER H. BUCK

A proper administration of the Merit System in both National and State affairs is essential if orderly and efficient government is to be obtained. The present outline is written to clear up some points not thoroughly understood and to show the present situation of affairs both Federal and State.

In the first place, contrary to the popular view, nothing could be more un-American than the Merit System's rival—that is, the Spoils System, which is in fact a survival of feudalism. In a comprehensive article in Volume 6 of the *Encyclopedia Britannica*, it is shown that at the time of the adoption of the Constitution of the United States the views of the leading American statesmen were absolutely opposed to the removal from office of persons for political reasons, such removals and the consequent appointments having been one of the chief abuses during the reign of George III.

THE MERIT SYSTEM IN THE FEDERAL GOVERNMENT

In the Federal Service, it was not until 1829 that any attempt at a change was made, and at that time a politician from Georgia secured the passage of a law allowing removals, which was designed to further his own political ambitions. However, nothing was done under this law until 1836 during the administration of President Jackson, at which time the Spoils System was introduced in the Federal Service, though in some of the States, notably New York, appointments and removals for political reasons had been made.

At this point two misconceptions should be cleared up: (1) President Jackson was by conviction, repeatedly stated, opposed to the Spoils System, and (2) Secretary of State Marcy, and not President Jackson, was the author of the famous (or infamous) saying, "To the victors belong the spoils of the enemy." See McMaster's *History of the People of the United States*.

Despite Jackson's convictions to the contrary, his course of action in inaugurating the Spoils System in the Federal Service can be traced to his bitter contests for the Presidency with John Quincy Adams. In the first contest Jackson received more popular votes than Adams, but did not get enough votes in the Electoral

College to win, and under the Constitution the decision was thrown into the House of Representatives. Clay, as Speaker, controlled the House, and by his influence elected Adams—this action being described by Jackson and his friends as the result of a “corrupt bargain” between Adams and Clay, whom Adams appointed Secretary of State. Though Jackson apparently believed that there was such a “corrupt bargain,” there is no good reason to suppose that any such bargain was ever made.

In the second contest between the same candidates, Jackson was much incensed because the Federal officeholders sided with Adams and voted for him as a unit, and after Jackson’s election by a tremendous popular majority, he, at once, began to remove officeholders from their positions. It was this unfortunate combination of circumstances that gave rise to the Spoils System in the Federal Service of this country. It then became the settled practice to remove all Federal officeholders when a new President was elected, with the logical result that pandemonium raged at such times and the pressure for jobs was so great as to constitute a serious menace in Washington.

It all culminated in November, 1882, in the assassination of President Garfield by a disappointed officeseeker. This startling occurrence and the abuses which had made such a result possible aroused the country, and the first Civil Service Act was passed January 16, 1883. It can be found with its amendments in the United States Compiled Statutes, Sections 3271 to 3287, inclusive. See *Appendix (1)*.

The Act gives the President large powers in designating the classes of employees subject to its provisions, and under this power new classes have been added from time to time until most of the Federal employees are now subject to the Civil Service Laws.

The improvement in the Federal Service since the Act of 1883 has been so great that no person could seriously argue for a return to the Spoils System, and so the Merit System won its first victory, which is a permanent one. After the passage of the Act of 1883, establishing the Merit System in the Federal Service, the idea was adopted by many States, counties and municipalities with great advantage to the administration of public affairs. But no well-advised believer in the Merit System thinks that the present system is in all respects what it ought to be. In fact, with the tendency to increase governmental activities in many fields, it becomes

necessary for the Merit System to be made much more efficient than it has ever been before.

The law itself and its administration have disclosed weaknesses which prove that the classified service ought to include the very highest administrative offices (all, in fact, but the policy-determining offices) so as to bring into the service ambitious persons who would have a chance by promotion to go to the very top. In addition, it has been shown that instead of too many removals being made by department heads, too few are made, and the employees sometimes get the idea that they have a life tenure whether or not they do their work properly.

These things, together with the efficiency ratings, are the matters which chiefly need improvement in the administration of the Merit System now, and they are receiving the earnest attention of the National Civil Service Reform League and of many administrators, both Federal and State.

THE MERIT SYSTEM IN MARYLAND

In Maryland the history of the Merit System can be briefly told. In the year 1896 it was proposed to amend our State constitution substantially in the way done in New York, though many persons thought it better to leave the subject wholly within the control of the Legislature. However, a proposed constitutional amendment in the shape of a bill was introduced in the Legislature of 1896, but in the last hurried days of the session it was amended in such a way as to make it of doubtful construction and limited application. Because of this amendment the Civil Service Reform Association of Maryland refused to indorse the bill. The independent papers, which had theretofore favored it, ignored it, and the matter was allowed practically to go by default, so that the proposed amendment was defeated at the polls.

In the year 1898, in the new charter of Baltimore City, Section 101, it was provided that the appointment and promotion of school teachers should be made only after examination by the Superintendent of Public Instruction and his assistants, and while perhaps this provision has not always been properly enforced, it has resulted in a great improvement over the situation existing before its enactment. See *Appendix* (2).

Again, by the Ordinance of December 1, 1899 (Baltimore City Code, page 743), there was created an Examining Board for the

Fire Department, and all applicants for positions in the Fire Department were required by it to take examinations. See *Appendix* (3). As a rule this ordinance has been well enforced, though an attempt was made to weaken it by the passage of the Ordinance of April 16, 1917, passed for the purpose of removing Fire Department probationers from its operation.

In the year 1900, during the incumbency of John Walter Smith as Governor, a bill was introduced in the Legislature providing for a Board of Police Examiners for Baltimore City and requiring examinations for the appointment and promotion of policemen. This bill was introduced early in the session and became a law on February 13, 1900. See City Charter, Section 745-A, etc., or see *Appendix* (4).

In the case of *Keyser vs. Upshur*, 92 Md., 726, the Court of Appeals, in an unfortunate decision, held that this Board of Examiners could nominate as many persons on a list as they desired, notwithstanding the number of positions to be filled, and that after the submission of such list to the Board of Police Commissioners, this latter Board could then select indiscriminately any names they chose from the list. The result of this decision was to nullify the provision of the law requiring that the candidates, after competitive examinations, should be arranged in graded lists according to their proficiency in the examinations. In other words, persons who could merely *pass* could be appointed to positions rather than those who in competition had proved themselves to be better.

The natural result of *pass* examinations is to make the examinations easy and to lower the requirements for admission, and for this reason the law is inadequate, but it is such an improvement over the old system that it has come to stay, and simply needs improvements to make it more effective.

A recent act extending the Merit System to a strictly State agency for the first time is the Act of 1918, Chapter 224, Bagby's Code, Volume IV, Sections 82-I to 82-S, inclusive. It provides for an unpaid Board of three Commissioners for the State Roads Commission, and limits the State Roads Commission in its appointments to such persons as comply with the provisions of the law and the rules adopted by the Board of Examiners. This law declares its purpose to be the "selection of employees because of their fitness for the positions." See *Appendix* (5).

In addition, the General Assembly in providing legislation for defining the powers of such counties as may adopt home rule under Article XI-A of the Maryland Constitution, gave such counties the right "to establish a Merit System." Acts of 1918, Chapter 456, Section 3-R. See *Appendix (6)*.

The most recent and important Merit System law in this State was brought into being by a vote of the people of Baltimore City on November 5, 1918, at which time the new charter of Baltimore City, which had been prepared by the Charter Board elected November 6, 1917, was adopted. This new charter is identical with the charter theretofore in force except it has added to it Sections 203-A to 203-Q, inclusive, which embody the Merit System. See *Appendix (7)*.

The vote in favor of the Merit System charter was 37,330, and the vote opposed to it was 13,176. It received a majority in every ward of the city except the First Ward. See *Maryland Almanac*, 1919, page 93. The charter was prepared under Article XI-A of the Constitution of Maryland. It is provided that three unpaid Commissioners shall enforce the law, their terms being so arranged that one Commissioner goes out of office every two years. The Commission is given large powers as to the classification of employees, and as to which of the classes shall be subject to the law.

The appointing officers can only appoint from "the five persons standing highest" on the list in the competitive class, thus preventing another decision such as *Keyser vs. Upshur*, referred to above, which permits *pass* examinations. It is made unlawful for any fiscal officer of the city to pay any employee whose name does not appear on the roster provided by the Commission, and this is a very important provision.

It is believed that with the appointment of a good Commission to carry out the Merit System provisions of the new charter, and with plenty of publicity to keep the matter before the people, this system will be given such an impetus as to prove of the greatest value to the city.

Attention should also be called to Article IV, Sections 26 and 37 of the Constitution of Maryland, which are germane and which apparently are not very well known.

These sections give the Judges in the respective Circuits and Baltimore City large powers over the appointment and removal of clerks. See *Appendix (8)*.

These sections were construed in *Smith vs. Turner*, 101 Md., 584 at 588-91, and it would not seem to be a stretching of these constitutional provisions for the Judges to rule that they will not confirm any new deputy clerks unless they pass examinations to be prescribed by the Judges.

CIVIL SERVICE REFORM ASSOCIATION OF MARYLAND

The *Civil Service Reform Association of Maryland* is a local branch of the *National Civil Service Reform League*, with headquarters in New York. The Maryland Association has been directly or indirectly responsible for every piece of Merit System legislation enacted in the State of Maryland, and it realizes now more than ever that to help the movement forward it must increase its membership and keep the matter continually before the public.

No law enforces itself, and while beyond question the Merit System is a big advance over the Spoils System, yet its administration must be constantly watched in order to get the best results. It is the purpose of the Maryland Association to try and help the various Commissions in every way in enforcing and administering the Merit System laws, and it also proposes to offer its counsel and services to all persons who may feel that they have been dealt with improperly under these laws.

In conclusion, it may be said that the whole aspect of the Merit System has changed. The first fight against the Spoils System has to a great extent been won, but it now remains to make the Merit System more efficient. It is a fact, though not so well known, that the large business corporations of this country have recently formed an association of employment managers, and these persons have undertaken to adopt and enforce Merit System rules for the employment, promotion and discharge of employees in lieu of the old-fashioned methods of hiring and firing, which have been found to be inefficient. In other words successful business men have at last awakened to the fact that the selection of employees must be done by a system. The business of the Civil Service Reform League is to keep the Merit System continually before the public, to insist on the appointment of good Civil Service Commissioners, and to see that the Civil Service laws and their administration are made and kept in a workable and efficient state.

BALTIMORE, MD., JUNE 5, 1919.

APPENDIX

Containing the United States and Maryland Statutes
Relating to the

MERIT SYSTEM

APPENDIX

I. Federal Government Civil Service Commission Acts

SECS. 3271-3287—*U. S. Compiled Statutes.*

SEC. 3271. (*Act Jan. 16, 1883, c. 27, Sec. 1.*) **Civil Service Commission; appointment; removal; vacancies; salaries and expenses.**

The President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

The President may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

The commissioners shall each receive a salary of three thousand five hundred dollars a year. And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner. (22 Stat. 403.)

SEC. 3272. (*Act Jan. 16, 1883, c. 27, Sec. 2.*) **Duties of commissioners.**

It shall be the duty of said commissioners:

(1) *Preparation of rules.*

First: To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

(2) *Provisions of rules.*

Second: And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

1. *Competitive examinations.*

First: For open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

2. *Selection of officers, etc., according to results of examinations.*

Second: That all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

3. *Apportionment of appointments; applications for examinations.*

Third: Appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

4. *Probation before absolute appointment.*

Fourth: That there shall be a period of probation before any absolute appointment or employment aforesaid.

5. *Contributions for political purposes.*

Fifth: That no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

6. *Political coercion by officers.*

Sixth: That no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

7. *Non-competitive examinations in certain cases.*

Seventh: There shall be non-competitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

8. *Notice of appointments, rejections, transfers, resignations, and removals; exceptions to be set forth with rules.*

Eighth: That notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

(3) *Regulations for examinations, and records.*

Third: Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

(4) *Investigations and reports on execution of act.*

Fourth: Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

(5) *Annual reports.*

Fifth: Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

SEC. 3273. (*Act Aug. 23, 1912, c. 350, Sec. 1.*) **Members and representatives of commission authorized to administer oaths to witnesses.**

Members of the Civil Service Commission and its duly authorized representatives are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission. (37 Stat. 372.)

SEC. 3274. (*Act Jan. 16, 1883, c. 27, Sec. 3.*) **Chief examiner; secretary of commission, and employees; boards of examiners; times and places for examinations.**

Said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The commission shall have a secretary, to be appointed by the President, who shall receive a salary of one thousand six hundred dollars per annum. It may, when necessary, employ a stenographer, and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year. The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same. (22 Stat. 404.)

SEC. 3275. (*Act Jan. 16, 1883, c. 27, Sec. 4.*) **Rooms and accommodations for commission.**

It shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted at the city of Washington, for carrying on the work of said commission and said examinations and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said commission. (22 Stat. 405.)

SEC. 3276. (*Act Jan. 16, 1883, c. 27, Sec. 5.*) **Violation of duties, etc., by commissioners, officers, etc.**

Any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in coöperation with one or more other persons, defeat, deceive or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment. (22 Stat. 405.)

SEC. 3277. (*Act Jan. 16, 1883, c. 27, Sec. 6.*)

(1) *Classification of clerks and employees in customs districts.*

Within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be all together as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed in connection with any said office or offices, in any other customs district. And upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified; and every such arrangement and classification upon being made shall be reported to the President.

(2) *Classification of clerks and employees at post-offices.*

Second: Within said sixty days it shall be the duty of the Postmaster-General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post-office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-office; and every such arrangement and classification upon being made shall be reported to the President.

(3) *Revision of classification and inclusion, by heads of executive departments, of places, clerks, etc., not before classified.*

Third: That from time to time said Secretary, the Postmaster-General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination. (22 Stat. 405.)

SEC. 3278. (*Act Jan. 16, 1883, c. 27, Sec. 7.*) **Appointments and promotions in classified service to be made only upon examination; officers and persons not required to be classified.**

After the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder: nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. (22 Stat. 406.)

SEC. 3279. (*Act Oct. 22, 1913, c. 32.*) **Appointments of deputy collectors of internal revenue and deputy marshals, required to give bond, without regard to provisions of Civil Service Act; revocations, by officer requiring said bond, of appointments of subordinates and appointments of successors, at discretion.**

Hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an Act of Congress entitled "An Act to regulate and improve the civil service of the United States," approved January sixteenth, eighteen hundred and eighty-three, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the Act, amendments, rules, or regulations aforesaid. (38 Stat. 208.)

SEC. 3280. (*Act Jan. 16, 1883, c. 27, Sec. 8.*) **Persons habitually using intoxicants to excess not to be appointed or retained.**

No person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment, to which the provisions of this act are applicable. (22 Stat. 406.)

SEC. 3281. (*Act Jan. 16, 1883, c. 27, Sec. 9.*) **Restriction on appointments of members of same family.**

Whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades. (22 Stat. 406.)

SEC. 3282. (*Act Jan. 16, 1883, c. 27, Sec. 10.*) **Recommendations by Senators or Representatives, except as to character or residence, not to be considered in examinations or appointments.**

No recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act. (22 Stat. 406.)

SEC. 3283. (*Act July 11, 1890, c. 667, Sec. 1.*) **Applications for examinations to be accompanied by a certificate of residence.**

Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia, shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona fide resident of said county and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the government. (26 Stat. 235.)

SEC. 3284. (*Act July 2, 1909, c. 2, Sec. 7.*) **Examinations to be in State, etc., of applicant's residence; persons afflicted with tuberculosis not to be appointed; certificate of health to accompany application; restriction on appointments from same family.**

Hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination; provided,

however, that no person afflicted with tuberculosis shall be appointed and that each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician; provided, however, that in no instance shall more than one person be appointed from the same family. (36 Stat. 3.)

SEC. 3284-A. (*Res. March 27, 1918, c.*) Examinations may be held in District of Columbia during period of present war.

The Act of July second, nineteen hundred and nine (Thirty-sixth Statutes at Large, Numbered One) is hereby amended so as to permit the United States Civil Service Commission, during the period of the present war, to hold examinations of applicants for positions in the government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia and elsewhere in the United States where examinations are usually held. Said examinations shall be permitted in addition to those required to be held by said Act of July second, nineteen hundred and nine (Thirty-sixth Statutes at Large, Numbered One); provided, that nothing herein shall be so construed as to abridge the existing law of apportionment or change the requirements of existing law as to legal residence and domicile of such applicants.

SEC. 3285. (*Act Aug. 23, 1912, c. 350, Sec. 4.*) System of efficiency ratings for classified service in executive departments based upon records; minimum ratings for promotion, demotion, and dismissal, subject to civil service rules; copies of records for commission; retention of honorably discharged soldiers and sailors on reductions of force; removal from office and punishment for violation of section.

The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section; provided, that in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. (37 Stat. 413.)

SEC. 3286. (*Act March 4, 1913, c. 142, Sec. 1.*) Reports by commission as to administrative needs of personnel in executive departments, etc., and as to system of efficiency ratings.

Establishment and maintenance of system of efficiency ratings for initial year: For the establishment and maintenance of system of efficiency ratings for initial year, \$15,000, to be immediately available. The Civil Service Commission shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of progress of work hereunder at the beginning of each regular session; provided, that no person shall be employed hereunder at a compensation in excess of \$4,000 per annum. (37 Stat. 750.)

SEC. 3286a. (*Act July 16, 1914, c. 141, Sec. 1.*) **Executive order for annual submission to commission of outline of organization of government, suspended.**

The operation of the Executive order of March twenty-eighth, nineteen hundred and twelve, for the annual submission to the Civil Service Commission of an outline of organization of the Government of the United States is suspended until otherwise provided by law. (36 Stat. 465.)

SEC. 3286b. (*Act March 4, 1915, c. 141, Sec. 1.*) **System of efficiency ratings; Division of Efficiency; appointment of chief; reports; limit of compensation of employees.**

Division of Efficiency: For establishment and maintenance of system of efficiency ratings, pursuant to section four of the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and thirteen, for investigation of the needs of the several executive departments and independent establishments with respect to personnel; and for investigation of duplication of statistical and other work and methods of business in the various branches of the government service; including not more than \$2,500 for equipment, supplies, stationery, books, and printing, and not more than \$50 for street car fare, \$30,000; the chief of the Division of Efficiency herein provided for shall be appointed by the President and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division together with a detailed statement of expenditures showing the persons employed, their duties and the compensation paid to each; provided, that no person shall be employed hereunder at a compensation in excess of \$4,000 per annum. (38 Stat. 1007, 1008.)

SEC. 3286c. (*Act Feb. 28, 1916, c. 37, Sec. 1.*) **Division of Efficiency changed to Bureau of Efficiency; independent establishment; transfer of officers, employees, records, etc.**

Hereafter the Division of Efficiency of the Civil Service Commission shall be an independent establishment and shall be known as the Bureau of Efficiency; and the officers and employees of the said division shall be transferred to the Bureau of Efficiency without reappointment, and the records and papers pertaining to the work of the said division and the furniture, equipment, and supplies that have been purchased for it shall be transferred to the said bureau. (39 Stat.)

SEC. 3286d. (*Act Feb. 28, 1916, c. 37, Sec. 1.*) **Bureau of Efficiency; duties imposed on Civil Service Commission transferred to.**

The duties relating to efficiency ratings imposed upon the Civil Service Commission by section four of the legislative, executive, and judicial appropriation Act approved August twenty-third, nineteen hundred and twelve, and the duty of investigating the administrative needs of the service relating to the personnel in the several executive departments and independent establishments, imposed on the Civil Service Commission by the legislative, executive, and judicial appropriation Act approved March fourth, nineteen hundred and thirteen, are transferred to the Bureau of Efficiency. (39 Stat.)

SEC. 3286e. (*Act March 3, 1917, c. 163, Sec. 1.*) **Bureau of Efficiency; investigation of methods of examining and auditing claims, etc.**

The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements and shall submit a report to the Secretary of the Treasury and to Congress with recommendations, at its next regular session.

SEC. 3286f. (*Act March 3, 1917, c. 163, Sec. 1.*) **Bureau of Efficiency; investigation of work of subtreasuries.**

The Bureau of Efficiency shall investigate the work performed by the subtreasuries and report to the Secretary of the Treasury and to Congress at the

beginning of the next regular session what part of the work of the subtreasuries may be transferred to other offices of the government, banks of the Federal Reserve System or Farm Loan Banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the government.

SEC. 3286g. (Act March 3, 1917, c. 163, Sec. 1.) Bureau of Efficiency; investigation of methods of transacting public business in Civil Service Commission.

The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision.

SEC. 3286h. (Act March 3, 1917, c. 163, Sec. 1.) Bureau of Efficiency; investigation of rates of pay of employees of States, etc.

The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States, and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services.

SEC. 3286i. (Act March 3, 1917, c. 163, Sec. 1.) Bureau of Efficiency; information furnished to by executive departments, etc.

Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose.

SEC. 3286j. (Act March 3, 1917, c. 163, Sec. 1.) Bureau of Efficiency; investigation of classification, etc., of employees of departments, etc.

The Bureau of Efficiency shall investigate the classification, salary, and efficiency of the employees of the departments and independent establishments of the government in the District of Columbia and report fully or partially to Congress by January first, nineteen hundred and eighteen, as to needed equalization or reclassification, and if a partial report be submitted then a full report shall be submitted as soon thereafter as possible with such recommendations as the bureau may deem proper.

SEC. 3286k. (Act March 3, 1917, c. 163, Sec. 8.) Bureau of Efficiency; investigation of duplication of service in departments, etc.

The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session.

SEC. 3287. (Act Aug. 24, 1912, c. 389, Sec. 6.) Removals from classified civil service only for cause, to promote efficiency; notice of charges, answer, etc.; record of removal, and copies thereof; membership in organization of postal employees for improving conditions, etc., not cause for reduction in rank, etc., for removal; right to petition, etc., Congress, not to be denied.

No person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no exam-

ination of witnesses nor any trial or hearing shall be required, except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same; provided, however, that membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with. (37 Stat. 555.)

MARYLAND LAWS

II. Schools

SEC. 101. (*Baltimore City Charter of 1898.*) **Superintendent and Assistant Superintendents of Public Instruction.**

101. The duties of the Superintendent of Public Instruction and Assistant Superintendents of Public Instruction shall include the examination of teachers and their nomination to the Board of School Commissioners for appointment or promotion, and the supervision of schools, and the study and suggestion of methods by which the public school system of the City of Baltimore may be maintained and improved. They shall hold regular meetings as a Board of Superintendents of Public Instruction and keep a record of the same, which shall be submitted to the Board of School Commissioners. For the work of supervision and examination, standing committees shall be designated by the Superintendent of Public Instruction annually. Of every such committee, the Superintendent of Public Instruction, or the First Assistant Superintendent of Public Instruction, or both, shall be members ex-officio, and the number of additional members shall be determined from time to time, as circumstances may require. Every school shall be visited at frequent intervals by the Superintendent of Public Instruction or one of the Assistant Superintendents of Public Instruction, and written reports on its condition shall be filed in the office of the Superintendent of Public Instruction, with such recommendations as circumstances may call for. It shall be the duty of the Superintendent of Public Instruction and his Assistants, to devote their services exclusively to the public schools under such regulations as the Board of School Commissioners may prescribe. It shall be the duty of the said Superintendent of Public Instruction, with the aid of the Supervisor of School Buildings, to ascertain the sanitary condition of every school, and to report to the proper authorities what repairs or improvements are necessary. It shall be the duty of the Superintendent of Public Instruction and his assistants, as examiners, to ascertain, by appropriate committees, appointed as hereinbefore provided, the training, knowledge, aptness for teaching, and character of every future candidate for the place of a teacher, and to report to the Board of School Commissioners graded lists of those whom they deem qualified for appointment, from which graded lists all nominations of teachers shall be made by the Superintendent of Public Instruction and his assistants to the Board of School Commissioners.

All such nominations of teachers shall be made in the order in which the names of the nominees appear upon such graded lists. In the preparation of these graded lists, the Superintendent of Public Instruction and his assistants shall ascertain by competitive examinations the relative qualifications of those candidates who desire appointment, and shall place the names of the accepted candidates upon said graded lists in the order of their relative qualifications, so ascertained by such competitive examination. It shall be their duty to advise the Board of School Commissioners whenever called upon, or whenever they think it important, in respect to the course of studies, text-books or methods of instruction. Whenever the Superintendent of Public Instruction and his assistants are in doubt what course to pursue, they shall ask instructions from the Board of School Commissioners, to whom they may present a majority and minority report, and the decision of the Board of School Commissioners shall be final. The Superintendent of Public Instruction and his assistants shall perform such other duties as may be prescribed by order of the Board of School Commissioners not inconsistent with this Charter.

III. Fire Department

Ordinance of December 1, 1899. (Baltimore City Code, p. 743.) **Examining Board of Fire Department.**

20. There shall be created an Examining Board for the Fire Department of Baltimore City; said board to consist of the President of the Board of Fire Commissioners, the Chief Engineer of the Fire Department, and one other member, said member to be appointed by the Mayor in the manner prescribed in Sections 25 and 30 of Article IV of the Code of Public Local Laws, and holding his office as therein provided; the duty of which examining board shall be to ascertain by appropriate investigation and examination the relative qualifications of all candidates for appointment or promotion in the Fire Department of Baltimore City, and to furnish from time to time to the Board of Fire Commissioners graded lists of those whom they shall deem qualified for appointment or promotion, from which graded lists all promotions and appointments shall be made by said Board of Fire Commissioners, except appointment to the position of Chief Engineer. In the preparation of such graded lists the said examining board shall ascertain by competitive examinations the relative qualifications, physical and otherwise, of all applicants for appointment or promotion in said Fire Department for the performance of the duties required of them, and shall place the names of the accepted candidates upon said lists in the order of their relative qualifications, as ascertained by such competitive examinations; and every appointment or promotion made by the Board of Fire Commissioners in the said Fire Department (except to the position of Chief Engineer) shall be made from the three names standing highest at the time of making such appointment or promotion upon the graded lists of candidates for such appointment or promotion.

21. The said examinations shall be conducted by and under definite rules, to be adopted by said examining board from time to time, and when so adopted, to be recorded before the holding of every examination to which they shall be made applicable; and the said rules shall prescribe the system of marking by which the relative grades of the several candidates, whom the said examining board may find qualified, shall be determined upon the said lists.

22. The name of no person appointed or promoted to any position in the Fire Department, after the creation of said examining board, shall be placed upon the payroll of said Fire Department until there shall have been first filed with the Comptroller a certificate of the said examining board that his promotion or appointment has been made in conformity with the provisions of this subdivision of this Article.

23. The President of the Board of Fire Commissioners shall be the President of said examining board and the clerk of the Board of Fire Commissioners shall

perform the duties of clerk of said board. It shall be the duty of said clerk to keep a full and correct record of the proceedings of said examining board, and of all the said graded lists prepared by it, which shall at all reasonable times be open to public inspection, and shall perform such executive functions in connection with the work of said examining board, as it may from time to time direct him to discharge.

24. Each of the said members of said examining board shall before assuming the duties of his office take in addition to the oath prescribed in Section 25 of Article IV of the Code of Public Local Laws, the further oath or affirmation that in preparing the graded lists of candidates for promotion or appointment, he will in no instance and under no pretext be influenced in accepting any candidate for appointment or promotion as qualified, or rejecting any candidate as unqualified, or in determining the relative grades of the qualifications of any such candidate by their political or religious opinions or affirmations, or by political influences of any kind exerted for or against them, or for any other cause or reason whatsoever, than the fitness or unfitness, or the capacity or lack of capacity of such candidate, according to the best judgment of said examiner, to efficiently discharge the duties of the position to which he seeks to be appointed, and the said oath or affirmation shall be recorded and preserved among the records of the Mayor's office.

IV. Police Department

City Charter, Sec. 745-A, etc.

745-A. There shall be appointed by the Governor, by and with the advice of the Senate, three sober and discreet persons, who shall be registered voters of the City of Baltimore, for three consecutive years next preceding the day of their appointment, who shall be known as the Board of Police Examiners of Baltimore City. Two of said Examiners shall be adherents of the two leading parties in the State, one of each of said parties. Any of said Board of Police Examiners shall be subject to removal by the Governor for official misconduct or incompetency, in the manner provided by law in case of other civil officers. Each of said Board of Police Examiners shall be appointed for two years, and they shall hold office until their respective successors are appointed and qualified. Each of said Board of Police Examiners shall receive a salary of one thousand two hundred dollars per annum, payable monthly. None of said Board of Police Examiners shall be eligible to an elective or appointive office, except under the militia laws of the State; as the term of any Examiner shall expire as designated above, his successor shall be appointed for two years, subject to the foregoing provisions and limitations. Before entering upon the duties of his office, each member of said Board of Police Examiners shall take and subscribe before the Judge of the Superior Court of the City of Baltimore, or the clerk thereof, the oath or affirmation prescribed by the sixth section of the first Article of the Constitution, and the further oath or affirmation that in every nomination to the Board of Police Commissioners for Baltimore City of any person for appointment as police officer, officer of police or detective, for promotion, they shall in no case and under no pretext make such nomination for or on account of the religion or political opinions or affiliations of the person nominated by them, or for any other cause or reason than the fitness of such person in the best judgment of said Board of Police Examiners for the place to which he shall be nominated; and said oath or affirmation shall be recorded and preserved among the records of said Court.

745-B. The said Board of Police Examiners may elect one of its members to be president, and may employ a secretary, who shall hold office during the pleasure of the board. The secretary shall receive a salary of \$1.200 per annum, payable monthly, and his duties shall be such as may be prescribed from time to time by said Board of Police Examiners.

745-C. It shall be the duty of the Mayor and City Council of Baltimore to cause suitable rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted, in the City of Baltimore, for carrying on the work and examination of the said Board of Police Examiners; and said board may order the necessary stationery, postage stamps, official seals and other articles to be supplied, and the necessary printing to be done for its official use.

745-D. It shall be the duty of the said Board of Police Examiners, and they are hereby authorized and empowered to prescribe, amend and enforce definite and uniform rules and regulations for carrying this Act into effect, which rules and regulations, when adopted and promulgated, shall have the effect of law, and to ascertain the qualifications by competitive examination of every candidate for appointment to or promotion in the police force, created and organized under existing law for the City of Baltimore, except the marshal of police and captain of detectives, counsel and police surgeons, and to report to the Board of Police Commissioners for the City of Baltimore graded lists of those persons whom they may deem qualified for such appointment or promotion, from which graded lists all nominations for appointment to or promotion in said police force shall hereafter be made by said Board of Police Examiners for the City of Baltimore. All such nominations for appointment to or promotion in said police force shall be made in the order in which the names of the nominees appear upon such graded lists, said graded lists and nominations for appointments and promotions in the said police force so as aforesaid furnished and made by the Board of Police Examiners shall last and be in effect for one year from the date the said graded lists and nominations were furnished, and made as herein provided, and null and void after the expiration of twelve months, unless said graded lists and nominations are sooner exhausted by appointment, promotion or rejection by the Board of Police Commissioners; provided that the persons whose names shall be remaining on said graded lists or in nomination at the expiration of the year as aforesaid, shall be eligible for reëxamination, and shall have opportunity to secure a place on the next subsequent graded list, to be made up for the grade or position to which he was eligible prior to the expiration of the graded list containing his name as above stated; and provided, however, that nothing herein contained shall apply to the graded lists already before said Board of Police Commissioners, but that the graded lists and nominations for the grades of captain and lieutenant heretofore furnished and made shall expire on December thirty-first, nineteen hundred and ten; and the graded lists and nominations for the grade of round sergeant on June thirtieth, nineteen hundred and ten; and the graded lists and nominations for the grade of sergeant on September thirtieth, nineteen hundred and ten; and the graded lists and nominations for the position of probationer on March thirty-first, nineteen hundred and eleven. In the preparation of the graded list, the said Board of Police Examiners shall ascertain by open competitive examinations the relative qualifications of the respective candidates for appointment or promotion, and shall place the names of the accepted candidates upon said graded lists in the order of their relative qualifications, so ascertained by such competitive examinations. The examinations shall be public and practical in character and relate to those matters which shall fairly test the relative capacity and fitness of the persons to discharge the duties of the position in the said police force to which they desire appointment or in which they seek promotion, including their past record on the force. The graded lists shall always be open to the inspection of the public.

745-E. Intending competitors for appointment to said police or for promotion therein shall file in the office of said Board of Police Examiners, a reasonable length of time before the date of any examination, a formal application, in which the applicant shall state under oath:

- 1st. His full name and residence.
- 2nd. His age, the place and date of his birth.
- 3rd. His health and physical capacity for the position to which he aspires.
- 4th. If an applicant for appointment, his business or employment, and residence for at least the previous three years.

5th. Such other information as may reasonably be required touching the applicant's merit and fitness for service on or promotion in the said police force.

Blank forms for such applications shall be furnished by the said Board of Police Examiners, without charge, to all persons requesting the same. The applicant shall file with the said Board of Police Examiners, in connection with his application, such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require. The said Board of Police Examiners shall refuse to examine an applicant, or after an examination to certify an eligible who is found to lack any of the established preliminary requirements for the examination or position to which he applies; or who is physically so disabled as to be rendered unfit for his performance of the duties of the position to which he seeks appointment or promotion; or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has intentionally made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility or appointment.

745-F. In the appointment, promotion, reduction in rank, transfer or removal of any police officer, or officers of police, or any detective, by the Board of Police Commissioners for the City of Baltimore and in their administration of the Police Department of Baltimore City, ecclesiastical and party ties shall not be regarded, so that the Police Department of said city may be entirely out of the field of political and religious differences, controversies and influences. The said Board of Police Commissioners for the City of Baltimore shall confirm or reject all nominations for appointment or promotion of police officers, officers of police and detectives made to it, hereinbefore provided by the Board of Police Examiners of the City of Baltimore. The said Board of Police Commissioners shall not confirm the nomination or make the appointment or promotion of any police officer, officer of police or detective, except the marshal of police and captain of detectives, counsel and surgeons, whose name does not appear upon the graded lists to be furnished said Board of Police Commissioners by the said Board of Police Examiners for the City of Baltimore. All police officers, officers of police and detectives, secretaries, clerks and employees, other than counsel and police surgeons, of the Police Department of Baltimore City shall be retained on the force during good behavior and efficiency by the said Board of Police Commissioners of the City of Baltimore, and may be removed by the said Board of Police Commissioners for official misconduct or inefficiency, and then only after written charges preferred, specifying the time, place and character of such misconduct and inefficiency, and trial had before the Board of Police Commissioners, after reasonable notice thereof.

745-G. The detectives provided for in Section 745 of this subdivision of this Article shall be appointed by the Board of Police Commissioners solely from the uniform force below the grade of round sergeant and above the position of probationer; detectives shall have a grade in the permanent police force equal to that of round sergeant, with the right of promotion from such grade and subject to reduction therefrom to the next lower grade in the same manner as round sergeants upon the uniform force; the said detectives shall not be allowed to follow any other business, or profession, but shall devote their entire time to the discharge of their duties as detectives; they shall be selected without competitive examination and solely on account of their special fitness and qualification, in the judgment of the Board of Police Commissioners, to perform detective work; provided, however, that the Board of Police Commissioners shall have the power, in its discretion, to transfer from the detective service and return to the grade in the uniform force from which he may have been selected, any member of the force so as aforesaid appointed a detective, who, in the judgment of the said board, after reasonable length of employment in the detective service, may be found not qualified to satisfactorily discharge the duties of a detective,

and when so transferred and returned, such member shall only be entitled to receive the pay of the grade in the uniform force to which he may be transferred and returned.

V. State Roads Commission

Annotated Code, Vol. 4, Article 91, Secs. 82-I to 82-S.

82-I. The Governor of Maryland shall appoint three persons as members of a Board of Examiners for the State Roads Commission, to serve one for two years, one for four years and one for six years; each alternate year thereafter the Governor shall appoint one person as a successor to the member whose term shall expire, to serve for six years. Any vacancy shall be filled by the Governor for the unexpired term. At no time shall more than two of the members of said Board of Examiners be adherents of the same political party. The members of said Board of Examiners shall serve without pay. The Governor may remove a member during his term of office upon stating in writing the reasons for removal and allowing such member an opportunity to be heard in his defense.

82-J. The Board of Examiners may appoint a secretary who shall also be chief examiner, and such other subordinates as may by appropriation be provided for. The Board of Examiners shall be furnished an office by the State Roads Commission in the quarters occupied by the commission. The State Roads Commission shall further provide the said Board of Examiners with stationery and such other supplies, equipment and clerical assistance as may be necessary to carry out the purpose and intention of this subtitle.

82-K. In order to carry out the purpose and intention of this subtitle, which is the selection of employees because of their fitness for their positions to be filled, the Board of Examiners shall make, promulgate, and, when they deem it necessary, amend rules for the appointment to positions of all employees of the State Roads Commission, except its secretary, which rules shall have the force and effect of law, and no appointment of any of said employees, with respect to any position, shall be made except according to such rules. Such rules may contain any provisions deemed by said board to be proper, except that they must provide as follows:

1. For open, competitive examinations to test the relative fitness of applicants for all positions, except applicants for positions of unskilled laborers.

2. For public advertisement of all positions to be filled, except positions of unskilled laborers, including in such advertisement the time and place of examination of applicants, which advertisement shall be published at least ten days in advance in a newspaper published in the City of Baltimore, when the examination is to be held in said City of Baltimore, and in a newspaper published in the county in which said examination is to be held, when such examination is to be held in a county, or if there be no such newspaper published in such county, then in a newspaper of general circulation there.

3. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years.

4. For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the board in regard to age, residence, sex, physical condition, or who have been guilty of crime or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

5. For separate notices from the State Roads Commission to the Board of Examiners for each position to be filled, by competitive examination, stating therein the name, duties and compensation of the position and providing that upon receipt of said notice, and within a reasonable time thereafter, the Board of Examiners shall certify to the State Roads Commission the names and ad-

dressess of the three candidates standing highest upon the eligible list to which the position is applicable, the appointment to such position to be made by the State Roads Commission from one of said three candidates.

6. For temporary employment without examination, with the consent of the board, in cases of emergency and pending appointment from an eligible list. But no such temporary employment shall continue longer than sixty days, nor shall successive temporary employments be allowed.

7. For the appointment of unskilled laborers in order or priority of application after such test for fitness as the board may prescribe.

S2-L. In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examination is impracticable, and that the position can best be filled by the selection of some designated person of recognized attainments, the board may, after public hearing and by affirmative vote of all three members, suspend competition, but no suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the board.

S2-M. All examinations and tests shall be practical, and shall relate to the fitness of candidates to fill the positions for which they seek appointment. A complete record of the proceedings of the Board of Examiners and of all examinations and tests, oral, written and physical, shall be kept as public records and open to inspection at all reasonable times. Examinations shall be in charge of the chief examiner, unless otherwise directed by the Board of Examiners. The board may call on any persons to draw up, conduct or mark examinations, and when such persons are connected with the State or county service, it shall be deemed a part of their official duties to act as examiners without extra compensation.

S2-N. Any person at any time in the employ of the State Roads Commission may be removed from his or her position by the State Roads Commission, for any cause which in its opinion will promote the efficiency of the service, but only after notice to the person affected. Such notice shall be in writing, and shall state the reasons for such removal, and the person affected may reply thereto. Such papers or copies thereof shall be delivered to the Board of Examiners, and shall be kept by them as a part of their records. No trial or examination of witnesses except in the discretion of the State Roads Commission shall be required, and the action of the State Roads Commission in making such removals shall be final.

S2-O. All persons in the employ of the State Roads Commission on July 1, 1918, shall retain their positions unless and until discharged in accordance therewith.

S2-P. No person seeking employment with, or now in the employ of, the State Roads Commission, shall be appointed or removed or in any way discriminated against because of his political or religious opinion or affiliation.

S2-Q. No employee of the State Roads Commission shall directly solicit, give or receive, or be in any manner concerned in soliciting, giving or receiving any contribution of any kind for any political party or purpose from any employee of the State Roads Commission.

S2-R. The services of said Board shall be open at all times without charge to the public road authorities of any county in this State who may desire information as to eligibles or assistants in securing competent employees in connection with public road work in such counties.

S2-S. Any person violating the provisions of this subtitle, or any rules established thereunder, shall be guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for a term not exceeding six months, or by both fine and imprisonment. If such person be an applicant for examination he shall be excluded

therefrom. If he be an eligible his name shall be removed from the eligible list, and if he be an officer or employee of the State Roads Commission, he shall forthwith be removed from the service.

VI. County Home Rule Act

Acts of 1918, Chapter 456, Section 3-R. County Officers.

To provide for the appointment and removal of all county officers except those whose appointment or election is provided for by the Constitution or Public General Law, and to establish a merit system, if deemed desirable, in connection with the appointment of all county officials and employees not elected or appointed under the Constitution and the Public General Laws; to fix the qualifications and term of office of such county executive authority as may be established, and to fix its compensation.

VII. Baltimore City Charter

(Adopted November 5, 1918.)

CITY SERVICE COMMISSION.

Appointment of Commissioners.

203-A. The Mayor, who shall be first elected under this charter, shall appoint, in the manner prescribed by Section 25 of this charter, on or before the first day of January, 1920, three persons, who shall constitute the City Service Commission of Baltimore, one for a term of six years, one for a term of four years, and one for a term of two years from the said first day of January, 1920, and until their respective successors are appointed and qualified, and every second year thereafter the Mayor shall in like manner appoint one person as the successor of the commissioner whose term shall expire on the next succeeding first day of January to serve for six years and until his successor is appointed and qualified. Two commissioners shall constitute a quorum. Any vacancy which may occur in the office of commissioner shall be filled for the unexpired term by appointment by the Mayor in the manner prescribed by Section 25 of this charter and all appointments, both original and to fill vacancies, shall be made from persons friendly to the Merit System of appointment to office, and shall be so made that not more than two commissioners shall at the time of the appointment be members of the same political party. No one holding any public office of profit shall be appointed such commissioner.

The Mayor may at any time remove any commissioner for inefficiency, neglect of duty, or malfeasance in office, having given such commissioner a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense, and any such removal shall be final.

Organization of Commission.

203-B. The said commissioners shall annually elect one of their number to serve as president of the commission. All of said commissioners shall serve without pay. They shall appoint a chief examiner, who shall also act as Secretary of the Board and Register of Labor, and who, under their direction, shall superintend any examinations held under the provisions of this subdivision of this charter, supervise the administration of the rules of the commission and perform such other duties as the commission may prescribe, and who shall receive an annual salary, to be fixed by the commission, not to exceed four thousand dollars.

The commissioners may appoint such other employees, fix their salaries, and incur such expenses as may be necessary, not exceeding in the aggregate the amount fixed therefor in the annual ordinance of estimates.

General Duties.

203-C. The commission shall within three months from the beginning of its term of office, make rules, subject to the provisions herein contained, to carry out the purposes of this subdivision of this charter, and to provide for appointments and employments in all positions in the classified service hereinafter mentioned, based on merit, efficiency, character and industry, and the commission may, from time to time, make changes in the original rules or additions thereto. All such rules, changes therein and additions thereto, shall forthwith be printed for distribution by said commission to all persons who may apply therefor.

The commission shall keep minutes of its own proceedings and all of the records, proceedings and papers of the commission shall be subject to inspection at any reasonable time. The commission shall have power to investigate all matters touching the execution of the provisions of this subdivision of this Charter and of the rules and regulations adopted by it in conformity therewith. In the course of such investigations, each commissioner shall have power to administer oaths and summon and examine witnesses as to matters relevant to such investigations.

Whenever the commission shall find by means of such investigation that any administrative head of the city government, including any commission or board, or any person having power of appointment or removal in the Classified City Service of Baltimore, has abused such power by making appointments or removals for any reason other than the good of the public service, it shall so report to the Mayor, who shall thereupon have power to remove forthwith without further hearing such administrative head or person found guilty of such violation by the said commission. The commission shall make an annual report to the Mayor.

Classified City Service.

203-D. The commissioners shall classify all the municipal offices and positions in the City of Baltimore to which appointments are made by any person or persons (other than the Mayor or the several branches of the City Council) who are, or may be, clothed by this charter or any law or ordinance relating to Baltimore City with the power of making appointments, excepting positions involving duties in teaching or supervisory capacity which are to be filled by the Board of School Commissioners, as provided in Sections 100 and 101 of this charter. Such classification shall be made, with reference to the examinations hereinafter provided for, as Exempt, Competitive, Non-Competitive and of the Labor Class. The offices and places so classified by the commission shall constitute the Classified City Service of Baltimore, and no appointment to any of such offices or places shall be made except under and according to the rules herein mentioned after the promulgation thereof.

Said power of classification, however, is not to be taken as applying to any appointments except those made in the exercise of the powers heretofore granted, or which may hereafter be granted to the City of Baltimore, as provided in Article XI-A of the Constitution of Maryland.

Exempt Class.

203-E. The Exempt Class of the Classified City Service shall include all offices or positions, except those of laborers, for the filling of which competitive or non-competitive examinations shall be decided by the City Service Commission to be impracticable. But no office or position shall be deemed to be in the Exempt Class unless it is specifically named in said class in said rules, and the reasons for each such exemption shall be stated separately in the annual report of the commission. Appointments in the Exempt Class may be made without examination, but every appointing officer shall have the right, in his discretion, to require any applicant for such appointment by him to be examined by the

commission, or otherwise, in such manner and to such extent as he shall deem expedient, in order to ascertain his fitness and capacity for the position he is seeking.

Competitive Class.

203-F. The Competitive Class of the Classified City Service shall include all the other positions in the said service for which it is practicable, in the judgment of the commission, to determine the fitness of applicants by competitive examinations, and shall include all positions and employments now existing or hereafter created of whatever functions, designations or compensation, in each and every branch of the Classified City Service except such positions as are in the Exempt Class, the Non-Competitive Class or the Labor Class.

Non-Competitive Class.

203-G. The Non-Competitive Class shall include such positions as are not in the Exempt Class or Labor Class and which it is not practicable, in the judgment of the commission, to include in the Competitive Class.

The Labor Class.

203-H. The Labor Class shall include unskilled laborers and such skilled laborers as may be so classified by the rules and regulations of the commission. No person shall be included in the Labor Class whose service shall consist of clerical work, office work, or inspection of other work or service.

Examination and Certification.

203-I. The commission shall in its rules provide among other things:

(a) For examinations and such other tests as may in its judgment be necessary to determine the fitness of applicants for positions in the Competitive and Non-Competitive Classes.

(b) For the employment of those in the Labor Class either in the order of priority of application or by selection on account of fitness or by such other method as the board may find will produce the best results.

(c) For the rejection of candidates who fail to comply with reasonable requirements as to age, sex, physical condition and moral character.

(d) For the preparation of lists of candidates eligible for employment, which lists in the case of the Competitive Class shall be arranged in the order of the relative standing of applicants as determined by the commission.

(e) For the certification, as occasion may require, to the appointing officer of the persons eligible to employment under the rules of the commission, provided that in the case of the Competitive Class such certification shall include only the five persons standing highest on the appropriate eligible list, or the person or persons on such list when it contains five names or less.

Appointments.

203-J. When a vacancy occurs or a new position is created in the Classified Service, other than the Exempt Class, the appointing officer shall fill such position provisionally by the appointment of one of the persons certified to him by the commission as above provided, which appointment shall be on probation for a period of six months. At or before the expiration of the period of probation the head of the department or office in which such candidate is employed may, in the exercise of his discretion, remove the said probationer. Unless so removed during the probationary period, his appointment shall be deemed complete. Where an emergency arises or the services to be rendered are only for a temporary period, not to exceed sixty days, the appointing officer may, with the approval of the commission, make a temporary appointment to remain in force not exceeding sixty days, and only until a regular appointment under the provisions of this charter can be made.

Promotions, Transfers and Reinstatements.

203-K. The commission shall provide, in its rules, for keeping a record of efficiency for each employee in the Competitive Classified City Service, and for

making promotions in said service on the basis of merit, to be ascertained by competitive examinations, by conduct and capacity in office, and by seniority in service, and shall provide that vacancies shall be filled by promotions in all cases where, in the judgment of the commission, it shall be for the best interests of the service so to fill such vacancies. The commission shall also provide rules for transfers and reinstatements.

Removals.

203-L. No person shall be discharged from the Classified City Service or be reduced in pay or position or suspended by the appointing officer for or on account of his political or religious opinions or affiliations, or for refusing to contribute to any political fund or refusing to render any political service; but nothing in this subdivision of this charter shall forbid the removal, dismissal, reduction or suspension of any such officer or employee for any cause other than those hereinbefore enumerated and which, in the opinion of the person authorized by law to remove or dismiss such officer or employee, may interfere with the efficient discharge of his duties. In all cases of discharge or reduction or suspension for more than thirty days, the appointing officer shall furnish the subordinate so discharged, reduced or suspended, and also the commission, a copy of the order of removal and also his reasons for the same. The commission may, in all cases, and upon the written request of any subordinate removed after the termination of the probationary period, shall investigate, and if it shall find that the intent and spirit of the provisions of this charter have been violated in the said discharge, reduction or suspension, it shall report its finding to the Mayor, and such finding so reported shall be sufficient cause for the removal by him of the officer guilty of such violation.

Each person discharged for the purpose of reducing the force and without fault upon his part shall receive a certificate so stating, and all persons so discharged shall be placed on the eligible list in the order of the length of their service and shall have preference over others on the eligible list.

Roster of Employees.

203-M. It shall be the duty of each appointing officer to report to the commission forthwith upon the appointment or employment of any person in the Classified City Service the name of such appointee or employee, the title and character of his office or employment, the date of commencement of service by virtue thereof, and to report, from time to time, and upon the date of official action in or knowledge of each case, any separation of a person from the service, or other change therein and such other information as the City Service Commission may require in order to keep the roster hereinafter mentioned. The commission shall keep in its office an official roster of the Classified City Service of Baltimore, and shall enter thereon the name of every person who has been appointed, employed, promoted, reduced, transferred or reinstated in any position in said service. This roster shall be open to public inspection at all reasonable hours, and shall show in connection with each name the date of appointment, employment, promotion, reduction, transfer or reinstatement and compensation of the position, its title, the nature of the duties thereof and the date and cause of any determination of such office or employment.

Only Employees Whose Names Appear on Roster to be Paid.

203-N. It shall be unlawful, after notice from the City Service Commission, for the Comptroller or any other fiscal officer of the city to draw, sign or issue or authorize the drawing, signing or issuing of any warrant on the City Register or other disbursing officer of the city for the payment of any salary or compensation to any officer, clerk, employee or other person in the Classified City Service, whose name does not appear upon the roster provided for in the next preceding section as having been appointed and employed in conformity with the provisions of this subdivision of this charter and the rules adopted thereunder.

Present Incumbents.

203-O. All persons holding positions in the city service when such positions are placed under the provisions of this subdivision of this charter shall be entitled to retain their position until discharged, reduced, promoted or transferred in accordance with the provisions of this subdivision of this charter.

Political Contributions and Assessments.

203-P. No person in the Classified City Service shall for any reason be under any obligation to contribute to any political fund, and no person shall knowingly, directly or indirectly, in person or by letter, request or solicit the payment of any political assessment, subscription or contribution from any person in the Classified City Service.

Penalties.

203-Q. Any violation of any of the provisions of this subdivision of this charter relating to the City Service Commission or any willful use of any corrupt means in connection with any examination, appointment, promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for a time not exceeding twelve months, or by both such fine and imprisonment.

VIII. Clerks of Courts and Deputy Clerks

Constitution, Article IV, Secs. 26 and 37.

SEC. 26. The said clerks shall appoint, subject to the confirmation of the judges of their respective courts, as many deputies under them as the said judges shall deem necessary to perform, together with themselves, the duties of the said office, who shall be removable by the said judges for incompetency, or neglect of duty, and whose compensation shall be according to existing or future provisions of the General Assembly.

SEC. 37. There shall be a clerk of each of the said courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election to be held in said city on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be reëligible thereto, subject to be removed for willful neglect of duty or other misdemeanor in office, on conviction in a court of law. The salary of each of the said clerks shall be thirty-five hundred dollars a year, payable only out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of clerk of any of said courts, the judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy until the general election of delegates to the General Assembly to be held next thereafter, when a clerk of said court shall be elected to serve for six years thereafter; and the provisions of this Article in relation to the appointment of deputies by the clerks of the Circuit Courts in the counties shall apply to the clerks of the courts in Baltimore City.

Civil Service Reform Association of Maryland

Objects

(Constitution, Article II)

The Association will have for its object to secure the establishment of a system of appointment, promotion and removal in the Civil Service—Municipal, State and National—founded upon the principle that public office is a public trust, admission to which should depend upon proved fitness. It will demand that appointments to subordinate executive offices shall be made from persons whose fitness has been ascertained by competitive examinations open to all applicants properly qualified, and that removals shall be made for legitimate cause only, such as dishonesty, negligence, or inefficiency, but not for political opinion or refusal to render party service; and the Association will advocate all other appropriate measures for securing integrity, intelligence, efficiency, good order, and due discipline in the Civil Service.

Annual Dues

(Constitution, Article VIII)

Any person may be proposed in writing for membership by any member of the Association, and shall be admitted upon approval of the Executive Committee. The annual dues of each member shall be two dollars. Members failing to pay their dues may be dropped from the rolls by the Executive Committee.

Application for Membership

Jesse N. Bowen, Esq., Treasurer,
Equitable Building, Baltimore.

I hereby make application for membership in the Civil Service Reform Association, and hand you herewith my check for \$2.00 in payment of my annual dues for the first year of my membership.

Name.....

Proposed by:

Occupation.....

Address.....



Civil Service Reform Association of Maryland

OPEN LETTER

There is but one *fundamental* issue between the advocates of Civil Service Reform in the administration of public government and the opponents of such reform.

That issue is the one which must ever exist between the "*Merit System*" on the one hand and the "*Spoils System*" on the other.

The advocates of the "*Merit System*" believe that employment in the public service should be based primarily upon efficiency of service *to the public*.

The advocates of the "*Spoils System*" believe that employment in the public service should be based primarily upon efficiency of service, past or prospective, *to a political party* or to some higher officeholder who controls the appointment.

The Civil Service Reform Association of Maryland stands for the "*Merit System*" as opposed to the "*Spoils System*."

The "*Merit System*" laws heretofore passed in this State do not in themselves constitute a "*Merit System*" of appointment to and retention in the public service. They are but the foundation for such a system.

That foundation will never be built upon unless it be done through the compelling force of an organized public demand for efficiency in our public service.

The Civil Service Reform Association of Maryland is the organization. But we need more support from the general public, so that our organization will be able to exercise its powers in a vital, effective way.

That support can best be given through membership in our Association.

The dues are merely nominal—\$2.00 per year.

Overleaf is a blank application for membership in this Association.

If you are not a member, will you not sign this application and thus enlist formally as an advocate of good government in this State?

If you are already a member, will you not today have this application signed and forwarded by some other person whom you believe is or should be interested in efficient State, county and municipal government?

President.

BALTIMORE, June 30, 1919.